

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

Jun 05, 2009

FILED
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**IN RE: AMERIQUEST MORTGAGE CO. MORTGAGE
LENDING PRACTICES LITIGATION**

Donna M. DiMare v. Ameriquest Mortgage Co., et al.,)
D. Massachusetts, Bky. Advy. No. 1:08-1046)
Laurie J. Gonzalez v. WM Specialty Mortgage, LLC, et al.,)
D. Rhode Island, Bky. Advy. No. 1:08-1047)

MDL No. 1715

ORDER DENYING TRANSFER

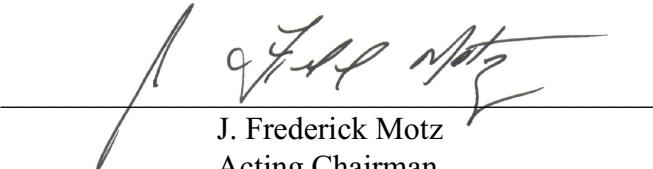
Before the entire Panel*: Ameriquest Mortgage Co. (Ameriquest) moves, pursuant to 28 U.S.C. § 1407(c), for transfer of the District of Massachusetts action (*DiMare*) in which it is named as a defendant to the Northern District of Illinois for inclusion in MDL No. 1715. Option One Mortgage Corp., which is also named as a defendant, and plaintiff to this action oppose the motion. Similarly, WM Specialty Mortgage LLC and Washington Mutual Bank move, pursuant to 28 U.S.C. § 1407(c), for transfer of the District of Rhode Island action (*Gonzalez*) in which they are named as defendants to the Northern District of Illinois for inclusion in MDL No. 1715. Plaintiff to that action did not respond to the motion.

After considering all argument of counsel, we find that transfer of these actions to the Northern District of Illinois would not necessarily serve the convenience of the parties and witnesses or further the just and efficient conduct of this litigation at the present time. The actions pending in MDL No. 1715 relate to allegedly predatory lending practices by Ameriquest or a related entity in soliciting and closing residential mortgage transactions. The adversary proceedings before us, which are pending in the respective same district as the underlying bankruptcy cases, involve individual claims based on specific loan transactions, which will likely require unique proceedings. Moreover, Ameriquest, which is the main defendant in MDL No. 1715, is not named as a defendant in the *Gonzalez* action, and plaintiff in the *DiMare* action objects to transfer. Accordingly, we are persuaded that inclusion of these actions in MDL No. 1715 is not presently warranted.

IT IS THEREFORE ORDERED that the motions, pursuant to 28 U.S.C. § 1407(c), for transfer of these actions are denied.

* Judge Heyburn took no part in the decision of this matter.

PANEL ON MULTIDISTRICT LITIGATION



J. Frederick Motz
Acting Chairman

John G. Heyburn II, Chairman*
Kathryn H. Vratil
W. Royal Furgeson, Jr.

Robert L. Miller, Jr.
David R. Hansen
Frank C. Damrell, Jr.